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Original Filed Jan. 12, 2005

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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UNITED STATES OF AMERICA

No. CR 05 0017 SI

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v.

INFORMATION

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ZEON CHEMICALS L.P.,

VIOLATION:

16

Defendant.

Title 15, United States Code,
Section 1 (Price Fixing)

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San Francisco Venue

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The United States of America, acting through its attorneys, charges:

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I.

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DESCRIPTION OF THE OFFENSE

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1. ZEON CHEMICALS L.P. is made a defendant on the charge stated below.

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2. Beginning on or about May 14, 2002 and continuing until on or about December

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31, 2002, defendant and co-conspirators participated in a combination and conspiracy to

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suppress and eliminate competition by increasing and maintaining the price of acrylonitrile-

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butadiene rubber ("NBR") sold in the United States and elsewhere. The combination and

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conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of

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interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15

1 U.S.C. § 1).

2 3. The charged combination and conspiracy consisted of a continuing agreement,
3 understanding, and concert of action among the defendant and co-conspirators, the substantial
4 term of which was to suppress and eliminate competition by increasing and maintaining the
5 price of NBR in the United States and elsewhere.

6 4. For the purpose of forming and carrying out the charged combination and
7 conspiracy, the defendant and co-conspirators did those things that they combined and
8 conspired to do, including, among other things:

- 9 (a) participating in conversations and meetings to discuss prices of NBR to be sold
10 in the United States and elsewhere;
- 11 (b) agreeing, during those conversations and meetings, to raise and maintain prices
12 of NBR to be sold in the United States and elsewhere; and
- 13 (c) issuing price announcements and price quotations in accordance with the
14 agreements reached.

15 II.

16 DEFENDANT AND CO-CONSPIRATORS

17 5. The defendant is an entity organized and existing under the laws of the state of
18 Delaware, with its principal place of business in Louisville, Kentucky. During the period
19 covered by this Information, the defendant and its subsidiaries sold NBR in the United States
20 and elsewhere.

21 6. Various corporations and individuals, not made defendants in this Information,
22 participated as co-conspirators in the offense charged herein and performed acts and made
23 statements in furtherance of it.

24 7. Whenever in this Information reference is made to any act, deed, or transaction
25 of any corporation, the allegation means that the corporation engaged in the act, deed, or
26 transaction by or through its officers, directors, employees, agents, or other representatives
27 while they were actively engaged in the management, direction, control, or transaction of its
28 business or affairs.

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III.

TRADE AND COMMERCE

8. NBR is used to manufacture, among other things, hoses, belting, cable, o-rings, seals, adhesives, and sealants.

9. During the period covered by this Information, the defendant and co-conspirators manufactured, sold, and distributed NBR in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the defendant and co-conspirators produced NBR.

10. The business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION

11. The combination and conspiracy charged in this Information was carried out, in

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1 part, in the United States within the five years preceding the filing of this Information.

2 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

3 Dated: January 12, 2005

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5 _____/s/_____
6 R. Hewitt Pate
Assistant Attorney General

_____/s/_____
Phillip H. Warren
Chief, San Francisco Office

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8 _____/s/_____
9 Scott D. Hammond
Director of Criminal Enforcement
United States Department of Justice
10 Antitrust Division

_____/s/_____
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11

12 _____/s/_____
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